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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,521	09/22/1999	CHARLES MEUBUS	91436-123C	4780

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SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO, ON M5G2K8
CANADA

EXAMINER

PHAN, JOSEPH T.

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/13/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/401,521

Applicant(s)

MEUBUS ET AL.

Examiner

Joseph T Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-55 is/are allowed.
- 6) ☒ Claim(s) 21-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/21/7 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because reference numbers in the specification does not correlate to numbers in drawings or are not shown in the drawings:

Figures 1-8; page 7 lines 3-15; page 10 lines 29-30; page 11 lines 24-36; page 12 lines 1 and 32; page 13 lines 30 and 32.

Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Information Disclosure Statement

2. The information disclosure statement filed 09/22/99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information with a strike-through referred to therein has not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites the limitation "said specified subscriber line" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 21-34, 40, 41, 43, and 49 rejected under 35 U.S.C. 102(e) as being anticipated by Norris et al., US Patent # 5,805,587.

Regarding claims 21 and 27, Norris discloses a subscriber busy "surfing" the Internet when an incoming call is placed to the subscriber(col. 5 lines 48-58), the central office directs the call through a connection with an Internet Access Service (IAS 200 Fig. 1 and col.5 lines 56-58). The Internet Access Service(IAS) comprises an internet protocol compliant network and data message comprises an internet protocol compliant message.

Regarding claims 22 and 24 in view of claim 21, Norris discloses a second data message from a data terminal that forms a response to answer a call then transmits the

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response to the IAS, this network is an intelligent network as it has routing features(col.8 lines 39-48).

Regarding claim 23 in view of claim 22, Norris discloses a method to establish a call path between incoming call and subscriber telephone line (col 8 lines 33-42)

Regarding claim 25 in view of claim 22, Norris discloses a signaling message comprising a telephone dial number identifying subscriber telephone line (col.6 lines 7-9)

Regarding claim 26 in view of claim 25, Norris discloses a signaling message which includes the telephone dial number of originator of incoming call (col.6 lines 9-11).

Regarding claim 28 in view of claim 26, Norris discloses a data terminal receiving a data message that displays the calling party's telephone number (col.8 lines 20-31).

Regarding claims 29-31, Norris shows a notification server with a first interface connected to a telephone signaling network (150 fig. 1) adapted to receive signaling messages;

a second interface connecting server to data network (200 and 300 fig.1);

the processor of Norris (205 fig. 3) can receive signal indicating incoming call on telephony network (230 fig. 3) and dispatch a data message over data network (240 fig. 3);

Regarding claim 30 in view of claim 29, the processor in Norris can receive a call disposition message from data terminal over data network (col.6 lines 36-39).

Regarding claim 31 in view of claim 30, the processor in Norris can dispatch a

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signaling message to signaling network to establish a call path between caller and called party (col.6 lines 53-60 and 270 Fig.3)

Regarding claim 32 in view of claim 29, Norris' internet access server signaling network(Fig.3) is advanced and intelligent; Norris' first interface does interface to an advanced intelligent network(105 Fig.1)

Regarding claim 33 in view of claim 29, Norris discloses dispatched data message routed through the internet, therefore data message comprises an internet protocol compliant message (col. 6 lines 3-7 and 215 Fig. 3)

Regarding claim 34 in view of claim 30, Norris discloses a signaling message that establishes a call path between caller and a voice mail server (col.8 lines 6-14)

Regarding claim 40, Norris shows a first interface for connecting processing element(205 fig.3) with signaling network in communication with a switch on telephone network (150 fig.1);

a second interface for connecting processing element with a data network gateway (300 fig.1)

Regarding claim 41 in view of claim 40, Norris discloses a processing element operable to dispatch a signaling message to establish a call path between caller and subscriber connected to data network (col.6 lines 63-66)

Regarding claim 43 in view of claim 40, Norris discloses a processing element operable to dispatch a signaling message to establish a call path between caller and voice mail system (col.8 lines 7-13)

Regarding claim 49 in view of claim 40, Norris discloses a processing element

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that establishes a call path between caller and voice mail server(col.8 lines 6-19). It is inherent that in order for a voice mail server to perform properly, it can be monitored to provide a message waiting signal.

7. Claims 37 rejected under 35 U.S.C. 102(e) as being anticipated by Foladare et al., US Patent # 5,982,774.

Regarding claim 37, Foladare discloses a switching point(LEC) operable to dispatch a signal on a signaling channel in response to incoming call while subscriber is connected to a data network (col.1 lines 41-46)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 35 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris in view of Greco et al., US Patent # 5625676.

Norris discloses a notification server with a first interface connected to a telephone signaling network (150 fig. 1) adapted to receive signaling messages;
a second interface connecting server to data network (200 and 300 fig.1);
the processor of Norris (205 fig. 3) can receive signal indicating incoming call on telephony network (230 fig. 3) and dispatch a data message over data network (240 fig. 3);

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Regarding claim 30 in view of claim 29, the processor in Norris can receive a call disposition message from data terminal over data network (col.6 lines 36-39).

Norris does not expressly disclose a server and processing element able to dispatch a signaling message to establish a call path between caller and a second subscriber line in response to receiving a call disposition signal.

Greco discloses a server and processing element (col.2 lines 45-49) able to dispatch a signaling message to establish a call path between caller and a second subscriber line in response to receiving a call disposition signal (col.1 lines 35-51 and 169 Fig.2)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the processor in Norris to be able to dispatch a signaling message to said signaling network to establish a call path between said caller and a second subscriber telephone line.

One of ordinary skill in the art would have been motivated to do this as second subscriber telephone lines are common in households with internet access and redirection by the called party to another line would have been obvious at the time the invention was made (Greco col. 1 lines 37-39).

10. Claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris in view of Wise et al., US Patent 5884262

Norris discloses a telecommunications network which dispatches a signaling message to data network gateway in response to an incoming call to a telephone subscriber connected to a data network. (col. 1 lines 41-44).

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Norris does not expressly disclose an SCP configured to dispatch a signaling message to a data network gateway.

Wise discloses a service control point(SCP) for use in an advanced intelligent network forming part of a switched telephone network, SCP is configured to dispatch a signaling message to a data network gateway (Fig.4 and col.8 lines 44-46 and col.8 lines 55-58 and col.9 lines 44-55)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Norris's network to include a SCP within an advanced intelligent network (AIN) to dispatch a signaling message to a data network gateway as taught by Wise. One of ordinary skill in the art would have been motivated to do this since advanced calling features utilizing a SCP within an AIN was well known in the art and made telephony communication more efficient at the time the invention was made.

11. Claims 38 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare in view of Blumhardt et al., US Patent # 5,533,106

Foladare discloses a switching point(LEC) operable to dispatch a signal on a signaling channel in response to incoming call while subscriber is connected to a data network (col.1 lines 41-46). Foladare's network is advanced and intelligent.

Foladare does not expressly disclose a signal comprising an AIN termination attempt message or trigger.

Blumhardt teaches a switching point and processing elements with interfaces comprising of an advanced intelligent network; signals comprising of an AIN signal and

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a call termination attempt message and trigger; AIN message identifying originator of incoming call (col.3 lines 21-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify Foladare's network to include AIN capabilities as taught by Blumhardt.

One of ordinary skill in the art would have been motivated to do this as AIN services is widely used in telecommunications and well known in the art and makes advance calling features more efficient while a internet subscriber is connected to a data network.

12. Claims 44-48 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris in view of Blumhardt et al., US Patent # 5,533,106

Norris shows a first interface for connecting processing element(205 fig.3) with signaling network in communication with a switch on telephone network (150 fig.1);

a second interface for connecting processing element with a data network gateway (300 fig.1)

Norris' first interface is advanced and intelligent and comprises of advanced and intelligent signals.

Norris does not expressly disclose a signal comprising an AIN termination attempt message.

Blumhardt teaches processing elements with interfaces comprising of an advanced intelligent network; signals comprising of an AIN signal and a call termination attempt

message and trigger; AIN message identifying originator of incoming call (col.3 lines 21-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify Norris' network to include AIN capabilities as taught by Blumhardt. One of ordinary skill in the art would have been motivated to do this as AIN services is widely used in telecommunications and well known in the art and makes advance calling features more efficient while a internet subscriber is connected to a data network.

Allowable Subject Matter

13. Claims 50-55 allowed.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McMullin, Patent #5809128 and White et al., Patent #6,243,374.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

December 1, 2001

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long horizontal flourish extending to the right.